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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,110	12/21/2000	Arnoldus Johannes Juliana Boudewijns	PHN 17,830	1476
24737	7590	02/01/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			ABDULSELAM, ABBAS I	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2677	

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/747,110	BOUDEWIJNS ET AL.	
	Examiner	Art Unit	
	Abbas I. Abdulselam	2677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12/08/05.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,7 and 8 is/are rejected.
- 7) Claim(s) 3-6 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Response to Arguments

1. Applicant's arguments filed on 12/08/05 have been fully considered but they are not persuasive.

Applicant argues that the cited references Kage et al. (USPN 6377241) and Hashimoto et al. (USPN 5554980) alone or in combination do not teach "prevention of unwanted movement of the displacement signal generating device at the instant of the clicking from introducing an error in the pointer coordinates".

However as mentioned in the art rejection below, Hashimoto teaches a remote control system comprising a means for inhibiting the movement of the cursor due to output of the movement detecting means for a period after the selection switch is manipulated for the selection of the icon and until a predetermined time has elapsed after such manipulation of the selection switch such that when the remote control unit is moved due to the pressing of the selection switch, movement of the cursor is prevented (col. 6, lines 1-5). Furthermore, specifically Hashimoto teaches as shown in Fig. 61 a receiving unit, and a click interval detection circuit (87), which accepts the on signal from a selection switch 9 only when the time interval between successive on signals from a selection switch is longer than a given value, thereby the click interval detecting circuit 87 can prevent erroneous selection of an icon.

In response to applicant's argument that Hashimoto is incompatible with Kage, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of

the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Kage and Hashimoto teach about a pointer on a display system and one of ordinary skill in the art would have looked toward Hashimoto for manner by which the pointer is utilized

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kage et al. (USPN 6377241) and in view of Hashimoto et al. (USPN 5554980).

Regarding claim 1, Kage et al. (herein after = “Kage”) teach an information processing device Fig. 9 (101) connectable to a displacement signal generating device (Fig. 9 (104)), characterized in that a memory is present (Fig. 9 (102)), and in that means are present for, upon clicking of the displacement signal generating device button (Fig. 11), assigning to the information processing device pointer coordinates as a function of pointer coordinates present in the memory at a point in time prior to said clicking of the displacement signal generating device button (col. 10, lines 61-67, col. 11, lines 1-4, col. 14, lines 9-28 and Fig. 10 (5)).

However, Kage does not specifically teach, “means for storing pointer coordinates in the memory on a first-in first-out basis”. Kage on the other hand teaches a coordinate updating section (5) in which coordinates of a pointer stored in a memory are updated (col. 11, lines 18-20).

Therefore, it would have been to one of ordinary skill in the art at the time the invention was made to utilize Kage's coordinate updating section (5) for the manner by which pointer coordinates are stored. One would have been motivated in view of the suggestion that coordinate updating section (5) is functionally equivalent to “storing based on first in first out basis”.

Kage does not teach “prevention of unwanted movement of the displacement signal generating device at the instant of the clicking from introducing an error in the pointer coordinates.

Hashimoto on the other hand teaches a remote control system comprising a means for inhibiting the movement of the cursor due to output of the movement detecting means for a period after the selection switch is manipulated for the selection of the icon and until a

predetermined time has elapsed after such manipulation of the selection switch such that when the remote control unit is moved due to the pressing of the selection switch, movement of the cursor is prevented (col. 6, lines 1-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kage's direction instructing system shown in Fig. 11 to adapt Hashimoto's means of inhibiting the movement of the cursor because the inhibition of the movement of the cursor avoids unintentional instruction from being sent to a display as taught by Hashimoto.

Regarding claim 2, kage teaches the function enables pointer coordinates that have been present in the memory for the longest period of time to be assigned to the information-processing device (Fig. 4A-C and col. 8, lines 21-33).

Regarding claim 7, Kage teaches the means for assigning comprise a computer program (col. col. 6, lines 23-27).

Regarding claim 8, Kage teaches at least the memory, or the storing means, or the means for assigning, are at least partly present in the displacement signal generating device (col. 10, lines 31-37).

Allowable Subject Matter

3. Claims 3-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

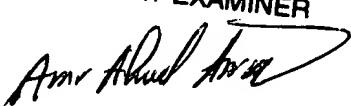
4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abbas I Abdulselam whose telephone number is (571) 272-7685. The examiner can normally be reached on Monday through Friday from 9: 00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMR A. AWAD
PRIMARY EXAMINER


Abbas Abdulselam

Examiner

Art unit 2677

January 30, 2006